

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=16A

In re Application of:)	Conf. No.: 2547
)	
David WALLACH et al)	Art Unit: 1642
)	
Appln. No.: 09/824,134)	Examiner: M. Davis
)	
Filed: April 3, 2001)	Washington, D.C.
)	
For: MODULATORS OF THE)	May 19, 2006
FUNCTION OF FAS/APO1 ...)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Randolph Building, Mail Stop Appeal Brief - Patents
401 Dulany Street
Alexandria, VA 22314

Sir:

On May 8, 2006, a Notification of Non-Compliant Appeal Brief was issued by the examiner, stating that the appeal brief filed on March 6, 2006, does not contain a concise statement of each ground of rejection presented for review. The examiner stated:

The grounds of rejection on p. 8 to p. 18, are not concise, containing arguments (see for example p. 8, lines 2-6), and reiteration of examiners response to applicant's arguments.

It is noted that according to 37 CRF [sic] 41.37(c)(1)(vi) a "concise" statement of each ground of rejection is required. The statement cannot include any argument concerning the merits of the ground of

rejection presented for review. Arguments should be included in the "Argument" section of the brief (see MPEP 1205.02).

In view of this notification, an amended Appeal Brief is attached hereto, in which the section entitled "Grounds of Rejection to Be Reviewed on Appeal" contains only very concise statements of each ground of rejection, as required by the examiner.

In view of the examiner's statement that arguments should be included in the "Argument" section of the brief and not in the concise statement of the grounds of rejection, the first two paragraphs of the "Grounds of Rejection to Be Reviewed on Appeal" section of the brief filed on March 6, 2006, have now been moved to the beginning of the "Argument" section in the amended brief.

Accordingly, the attached amended brief complies with the examiner's requirement, including only concise statements of rejection in the section entitled "Grounds of Rejection to Be Reviewed on Appeal" and moves the arguments that were previously present in the March 6, 2006, version of that section to the "Argument" section of the present amended brief. It is believed that the attached amended brief corrects all of the deficiencies of the notification mailed on May 8, 2006, and contains nothing that was not present in the brief of March 6, 2006.

Please substitute the attached "Appeal Brief" for that filed on March 6, 2006, but continue to use all of the attachments to the brief as filed on March 6, 2006, as the attachments to the present brief.

Entry and acceptance of the attached amended brief, in conjunction with all of the attachments filed on March 6, 2006, so that this case may proceed to appeal, is earnestly solicited.

Respectfully submitted,

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